



# National Transportation Safety Board

Washington, D.C. 20594

Office of General Counsel

October 30, 2023

Mark Langer, Clerk of Court  
Office of the Clerk  
U.S. Court of Appeals District of Columbia Circuit  
E. Barrett Prettyman U.S. Courthouse and William B. Bryant Annex  
333 Constitution Ave., NW  
Washington, DC 20001

RE: No. 23-1239

Trenton Palmer, Petitioner v. Michael Whitaker,  
Administrator, Federal Aviation Administration,  
Respondent.

Dear Mr. Langer:

Enclosed is the Certification of Record in the above-listed proceeding.<sup>1</sup> The original record is available for review in the National Transportation Safety Board's Office of General Counsel. If it is required, please notify Ms. Krishawn Graham, Paralegal, Office of General Counsel, Room 6300, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20594. Her telephone number is (202) 314-6056.

When the case is closed, please return the original record to Ms. Graham at the L'Enfant Plaza address. Thank you.

Sincerely,

WILLIAM  
MCMURRY

Digitally signed by WILLIAM  
MCMURRY  
Date: 2023.10.30 08:25:14 -0400

William T. McMurry, Jr.  
General Counsel

Enclosure

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<sup>1</sup> The Federal Aviation Administration (FAA) is the real party in interest, inasmuch as this petition challenges an FAA decision that the National Transportation Safety Board (NTSB) upheld. The NTSB, an independent agency not within the U.S. Department of Transportation, performs a quasi-judicial role with respect to the FAA safety enforcement decisions, affording holders of certain FAA-issued certificates a forum for adjudicating administrative appeals from orders of the FAA Administrator affecting these certificates. Thus, the NTSB ordinarily will neither enter an appearance in court proceedings reviewing its decisions on FAA orders, nor otherwise participate in their defense. See Hinson v. National Transp. Safety Bd. and Rolund, F.3d (1144) D.C. Cir. 1995. In Rolund, the Court established that it will not accept the NTSB as a party in defense of NTSB decisions, despite the fact that the NTSB is the named defendant in most of these cases.

**UNITED STATES COURT OF APPEALS  
DISTRICT OF COLUMBIA CIRCUIT**

\_\_\_\_\_  
TRENTON PALMER,

Petitioner,

Court No. 23-1239

v.

\_\_\_\_\_  
MICHAEL WHITAKER,  
Administrator,  
Federal Aviation Administration,

Respondent.  
\_\_\_\_\_

**CERTIFICATION OF RECORD**

IT IS HEREBY CERTIFIED that the annexed list describes the material comprising the record in this proceeding. The complete original record is available for review upon request.

WILLIAM  
MCMURRY

Digitally signed by WILLIAM  
MCMURRY  
Date: 2023.10.30 08:26:23 -04'00'

William T. McMurry, Jr.  
General Counsel  
National Transportation Safety Board  
(202) 314-6080  
Email: [Boardappeals@ntsb.gov](mailto:Boardappeals@ntsb.gov)

Dated this 30<sup>th</sup> day of October 2023, at Washington, D.C.

Trenton Palmer v. Polly Trottenberg, Acting Administrator, Federal Aviation Administration  
 U.S. Court of Appeals for the District of Columbia Circuit, USCA Case No. 23-1239  
 NTSB Docket SE-30880, EA-5947 and EA-5956

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 30, 2023, I electronically filed the foregoing Certification of Record with the United States Court of Appeals for the D.C. Circuit by using the appellate CM/ECF system. I also certify that the following counsel of record is registered as a CM/ECF filer and will be served by the CM/ECF system:

Robert David Schulte  
14 N. Hanson Street  
Easton, MD 21601  
[rschulte@schultebooth.com](mailto:rschulte@schultebooth.com)

/s/ Joy K. Park  
Joy K. Park